

UNCLE SAM ACCEPTS REBATES

GOVERNMENT VIOLATES THE INTERSTATE COMMERCE ACT.

Secretary Hitchcock and the Director of the Geological Survey Approve a Contract for Rebates to Contractors for Transportation of Freight.

WASHINGTON, April 10.—A legal opinion rendered by the Comptroller of the Treasury in passing upon certain disputed accounts of the Interior Department, makes it appear that the Government has for some time been accepting rebates from railroads for the transportation of freight. The case before the Comptroller arose in connection with the freight contracts engaged in work on irrigation projects in the West.

Comptroller Tracewell virtually declares that the Secretary of the Interior and the Director of the Geological Survey have violated both the spirit and the letter of the Interstate Commerce Act, which makes it a misdemeanor to accept rebates. In a letter to the Comptroller, dated March 20, the Secretary submitted a communication from Director Wolcott, in which that official said:

"On Oct. 13, 1904, the Department approved a contract with the Southern Pacific Company providing for certain concessions to contractors under the Reclamation Act in the freight rates upon their plant and materials shipped to and from the work on the projects. Other contracts of similar character have since been negotiated with the principal roads. The concessions in rates are brought to the attention of all bidders on the work of the reclamation service in order that they may make due allowance for such concessions in their bids. Paragraph II. of the general conditions attached to the specifications inviting bids calls attention to these concessions and notifies bidders that they are expected to make allowances for these concessions.

The letter adds that Sherr & Co., contractors on the Salt River project, desire to be advised whether they can obtain the benefit of concessions, but as their bids were made before any concessions had been arranged with the Southern Pacific Company, and do not provide for any benefit to the United States, it had been decided that the contractor is not entitled to such benefits. But as the railroad company is willing to make the concession in order to help along the work on the project as much as possible, the Comptroller is asked as to the best method of dealing with a question of this kind.

Mr. Tracewell in his reply tells how the auditing rules of the Treasury could be complied with, but adds:

"If, however, I may be permitted to express an opinion as to the legality of such transactions, when considered in relation to sections 2 and 22 of the Interstate Commerce Act of Feb. 4, 1887 and 1889 I would say that it is extremely doubtful if either can be maintained. By what authority the Government can contract with a railroad that a contractor's plant shall receive a rebate in freight not applicable to other contractors is beyond my comprehension. If this right exists it might as well extend to flour, hay and other commodities and to the vehicles used by a contractor in making delivery to the Government. It is not, granting such right exists when covered by contract, and such rebate taken into consideration when the contract is made, by what authority the Government can step in where the contract between it and the contractor has been entered into and the amount to be paid for the work is fixed and the materials fixed and liquidated, and receive of take from a railroad rebate from the regular and fixed price of carriage on the carriage of the contractor's plant, one-half thereof, is beyond my comprehension.

"The Government, above all others, should not be a party to a violation of the letter or spirit of the Interstate Commerce Act as regards the question of rebates. It should not engage in questionable transactions that would result in a few dollars more to be paid, especially when this saving results in the tearing down of a law which experience proves very difficult to enforce absolutely. This is not the Interior Department, and an answer was sent, citing a decision of Assistant Attorney-General Tracewell. To this the Comptroller replied in part:

"I have read with care the letter transmitted by the Director of the Geological Survey and agree with it in everything from the point that if it is legal for the Government to secure the rebate in question it will amount to a million dollars in the next seven years. The Standard Oil Company could make an equally convincing argument as to its alleged receipt of rebates. The amount of these rebates being large is a cogent reason why the Government should make no mistake by being a party to a beneficiary of the violation of the law prohibiting the giving of discriminating rebates.

"If you will pardon the suggestion, I advise that, before you take rebates from railroads on the carriage of property belonging to the Government, you should be satisfied by appointment and paid by them at the regular rates, you lay all the cards before the Attorney-General, and procure his opinion as to the propriety of the transaction. Let me repeat: I attach no special significance to the willingness of the railroads to grant the rebates in question."

SHAKE-UP IN PENSION BUREAU.

Members of Board of Review Cited to Show Cause Why They Should Not Be Dismissed.

WASHINGTON, April 10.—Pension Commissioner Veaslian Warner created consternation among the subordinates in his department to-day when he let it be known that he had issued an order citing ten members of the Board of Pension Review to show cause why they should not be dismissed for irregularities and slipshod methods in passing upon cases brought to their official attention. Commissioner Warner has been at the head of the Pension Bureau less than sixty days, but he has been getting after the details of the department's business in a manner that presaged a shake-up. To-day the storm broke.

Senator Bacon Still Ill.

WASHINGTON, April 10.—Senator Bacon of Georgia, who was suddenly taken ill while making a speech in the Senate, has not improved, and has been forced to inform Secretary Taft that he will be unable to be a member of the large party which is going to the Philippines this summer. Senator Bacon came to Washington to-day from Atlantic City to consult his physician. The doctor said he must return to the seashore for a few weeks and recommended a long sea voyage soon.

Lieut.-Col. Taylor Retired as a Brigadier.

WASHINGTON, April 10.—Lieut. Col. Frank Taylor of the Nineteenth Infantry now in the Philippines, has been retired with the advanced rank of Brigadier-General. Lieut. Col. Taylor was born in France. He enlisted in the army from Iowa in 1860 and served throughout the civil war. In October, 1867, he was made a Second Lieutenant in the Second Infantry and became a Lieutenant Colonel in 1903.

Brownsville Water Crackers

Many a service of cheese has been prepared for lack of Brownsville Water Crackers. The cracker should be as good as the cheese. Brownsville Water Crackers are as good as any cheese. For sale by PARK & TILFORD, NEW YORK.

RACE TIPSTER UNDER THE BAN.

Fraud Order Issued Against Frank J. Bell of "One Horse Wire" Fame.

WASHINGTON, April 10.—Two weeks ago Frank J. Bell of New York, who did a large business in furnishing tips to the speculative public that follows the races, received a tip from the Post Office Department that he would do well to discontinue his operations, otherwise a fraud order would be issued against him. He promised to suspend operations, according to the report of the inspector, but quickly forgot his promise. Consequently the fraud order was issued to-day. Bell can no longer receive mail, nor can the money orders which have been put in upon him by his credulous customers.

The opinion of the Assistant Attorney-General for the Post Office Department furnishes much information as to the methods of operating a race-tipping bureau. The report says that Bell's real name is J. R. Thompson, Jr. He made a specialty of advertising a "one horse wire" (strictly one horse a day) for a week. His customers were thereby led to believe that Bell would furnish them the name of one "sure winner" daily. Instead, he sent three selections, and represented that the one which he designated as "the best bet" was "the one horse wire." In addition, he undertook to furnish a "regular daily wire," giving a full set of selections on all races for \$2 per day. For his service he gave the names of twenty or more horses, which he guaranteed as "good things."

It was Bell's method of securing business that the postal officials found fault with. His contract with the railroad was to advertise each day that he had "tipped his customers the best long shot of the day before," and a specific example is given of his advertising in the Buffalo Enquirer. On that date Bell announced to the public, in display type:

"Yesterday's grand good thing, The Buffalo 20 to 1, well, well, I guess I'm bad. The longest shot of the day, and I handed it out for the heaviest kind of a plunge to the Government."

Now, as a matter of fact, the inspector says Bell's "grand good thing" on that particular day was Radium, instead of Buffalo. When he was asked to explain this, Bell admitted that "if he wasn't a shrewd and catchy advertiser, he couldn't secure customers, and when led to believe that the Department would take action against him he promised voluntarily to discontinue his operations. He was given until April 10 to file an affidavit showing that he discontinued his business, but failed to do so.

POWERS OF INTERSTATE BOARD.

Cannot Compel a Railroad to Furnish Data as to Tonnage, Etc., in Certain Lots.

WASHINGTON, April 10.—The Supreme Court to-day held that the Interstate Commerce Commission cannot compel a railroad to furnish data as to its tonnage, ton mileage, earnings and receipts per ton per mile on grain, hay, cotton, live stock, dressed meats, anthracite and bituminous coal and lumber carried in carload lots, which information it demanded of the Lake Shore and Michigan Southern Railway. The United States Court for the northern district of Ohio denied a writ of mandamus to compel the company to furnish the information, and its court to-day affirmed that action.

The commission contended that the data mentioned was necessary to enable it to make its annual report and that under the general terms of the law it was competent to call on the courts for assistance in enforcing obedience to its order. But the majority of the court, manifestly in view of that jurisdiction and its court to-day affirmed that action. The commission contended that the data mentioned was necessary to enable it to make its annual report and that under the general terms of the law it was competent to call on the courts for assistance in enforcing obedience to its order. But the majority of the court, manifestly in view of that jurisdiction and its court to-day affirmed that action.

THE ADVISORY CANAL BOARD.

Great Britain and Germany Will Name Engineers for Membership.

WASHINGTON, April 10.—Great Britain and Germany have informed this Government that they will cheerfully suggest civil engineers of their respective countries for membership on the Consulting Board of Engineers of the Panama Canal, a body created by President Roosevelt just before he started West, and which will meet some time this summer or early in the fall. The State Department requested that Great Britain, Germany and France each nominate an eminent civil engineer for this advisory board, which will decide whether the canal shall be a sea level or a lock and dam waterway. France has not replied.

The Weather.

An area of high pressure with incense over Montana covered the northwest quarter of the country yesterday, causing the temperature to fall in nearly all States west of the Mississippi River. It was decidedly colder in the upper Missouri Valley and northern Rocky Mountain region. Clearing weather covering the country from the upper Lakes almost to the Pacific Coast and south into Colorado. It was correspondingly warmer east of the mountains.

A storm area central over Oklahoma Territory was preceded by light rain and thunder storms in the middle Mississippi Valley and Lake region in the southern New York and New England. There was light snow in South Dakota and Wyoming.

In this city it was fair and warmer in the morning, clear in the afternoon, with a thunder storm just before sundown; wind fresh southwest; average humidity, 90 per cent; barometer, corrected to read sea level, at 8 A. M., 29.87; at 2 P. M., 29.70; at 8 P. M., 29.65; at 10 P. M., 29.60; at 12 M., 29.55; at 2 A. M., 29.50; at 4 A. M., 29.45; at 6 A. M., 29.40; at 8 A. M., 29.35; at 10 A. M., 29.30; at 12 M., 29.25; at 2 P. M., 29.20; at 4 P. M., 29.15; at 6 P. M., 29.10; at 8 P. M., 29.05; at 10 P. M., 29.00; at 12 M., 28.95; at 2 A. M., 28.90; at 4 A. M., 28.85; at 6 A. M., 28.80; at 8 A. M., 28.75; at 10 A. M., 28.70; at 12 M., 28.65; at 2 P. M., 28.60; at 4 P. M., 28.55; at 6 P. M., 28.50; at 8 P. M., 28.45; at 10 P. M., 28.40; at 12 M., 28.35; at 2 A. M., 28.30; at 4 A. M., 28.25; at 6 A. M., 28.20; at 8 A. M., 28.15; at 10 A. M., 28.10; at 12 M., 28.05; at 2 P. M., 28.00; at 4 P. M., 27.95; at 6 P. M., 27.90; at 8 P. M., 27.85; at 10 P. M., 27.80; at 12 M., 27.75; at 2 A. 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M., 3.70; at 4 A. M., 3.65; at 6 A. M., 3.60; at 8 A. M., 3.55; at 10 A. M., 3.50; at 12 M., 3.45; at 2 P. M., 3.40; at 4 P. M., 3.35; at 6 P. M., 3.30; at 8 P. M., 3.25; at 10 P. M., 3.20; at 12 M., 3.15; at 2 A. M., 3.10; at 4 A. M., 3.05; at 6 A. M., 3.00; at 8 A. M., 2.95; at 10 A. M., 2.90; at 12 M., 2.85; at 2 P. M., 2.80; at 4 P. M., 2.75; at 6 P. M., 2.70; at 8 P. M., 2.65; at 10 P. M., 2.60; at 12 M., 2.55; at 2 A. M., 2.50; at 4 A. M., 2.45; at 6 A. M., 2.40; at 8 A. M., 2.35; at 10 A. M., 2.30; at 12 M., 2.25; at 2 P. M., 2.20; at 4 P. M., 2.15; at 6 P. M., 2.10; at 8 P. M., 2.05; at 10 P. M., 2.00; at 12 M., 1.95; at 2 A. M., 1.90; at 4 A. M., 1.85; at 6 A. M., 1.80; at 8 A. M., 1.75; at 10 A. M., 1.70; at 12 M., 1.65; at 2 P. M., 1.60; at 4 P. M., 1.55; at 6 P. M., 1.50; at 8 P. M., 1.45; at 10 P. M., 1.40; at 12 M., 1.35; at 2 A. M., 1.30; at 4 A. M., 1.25; at 6 A. M., 1.20; at 8 A. M., 1.15; at 10 A. M., 1.10; at 12 M., 1.05; at 2 P. M., 1.00; at 4 P. M., 0.95; at 6 P. M., 0.90; at 8 P. M., 0.85; at 10 P. M., 0.80; at 12 M., 0.75; at 2 A. M., 0.70; at 4 A. M., 0.65; at 6 A. M., 0.60; at 8 A. M., 0.55; at 10 A. M., 0.50; at 12 M., 0.45; at 2 P. M., 0.40; at 4 P. M., 0.35; at 6 P. M., 0.30; at 8 P. M., 0.25; at 10 P. M., 0.20; at 12 M., 0.15; at 2 A. M., 0.10; at 4 A. M., 0.05; at 6 A. M., 0.00; at 8 A. M., -0.05; at 10 A. M., -0.10; at 12 M., -0.15; at 2 P. M., -0.20; at 4 P. M., -0.25; at 6 P. M., -0.30; at 8 P. M., -0.35; at 10 P. M., -0.40; at 12 M., -0.45; at 2 A. M., -0.50; at 4 A. M., -0.55; at 6 A. M., -0.60; at 8 A. M., -0.65; at 10 A. M., -0.70; at 12 M., -0.75; at 2 P. M., -0.80; at 4 P. M., -0.85; at 6 P. M., -0.90; at 8 P. M., -0.95; at 10 P. M., -1.00; at 12 M., -1.05; at 2 A. M., -1.10; at 4 A. M., -1.15; at 6 A. M., -1.20; at 8 A. M., -1.25; at 10 A. M., -1.30; at 12 M., -1.35; at